

Message Text

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SUBJECT: DRAFT LAW ON SUCCESSION

1. THE DRAFT LAW (UNPUBLISHED AS YET) FOR REFORM OF THE LAW OF SUCCESSION, APPROVED IN THE LAST COUNCIL OF MINISTERS MEETING AND TO BE PRESENTED, AFTER CORTES CONSIDERATION, TO REFERENDUM THIS OCT, WILL MAKE A NUMBER OF CHANGES IN THE EXISTING SCHEME. THE PREAMBLE TO THE DRAFT LAW REPORTEDLY SAYS THAT THE PREVIOUS LAW OF

SUCCESSION AND ITS MODIFICATIONS WERE DESIGNED TO MEET THE SPECIAL CHARACTERISTICS AND REQUIREMENTS PECULIAR TO THE SUCCESSION TO THE REIGN OF THE CAUDILLO, FRANCISCO FRANCO. NOW, THIS HAVING BEEN ACCOMPLISHED, THE TASK IS TO REGULATE THE ORDER OF SUCCESSION ON A PERMANENT BASIS, "ADJUSTING IT TO SPANISH DYNASTIC TRADITION."

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2. THE MAJOR FEATURES REPORTEDLY ARE:

A. ESTABLISHMENT OF THE MAJORITY OF THE KING AT 18.

B. THE RECOGNITION OF A CROWN PRINCE AS HEIR TO THE THRONE AT HIS BIRTH OR WHENEVER IN FACT A PRINCE DOES BECOME HEIR (FOR EXAMPLE, ON THE DEATH OF AN OLDER BROTHER).

C. THE EXCLUSION OF A ROYAL CONSORT FROM ANY PARTICIPATION IN AFFAIRS OF GOVT (WITH THE EXCEPTION, AS NOTED BELOW, OF STANDING FIRST IN LINE TO FILL THE REGENCY, AS A STATE RATHER THAN A GOVERNMENTAL FUNCTION).

D. THE DISAPPEARANCE OF THE PRESENT REGENCY COUNCIL AND ITS REPLACEMENT BY A REGENT WHO WILL ACT IN PLACE OF THE KING ONLY IN CASES OF INCAPACITY PROVIDED THAT THE CROWN PRINCE IS NOT ALREADY 18 AND THUS YET INELIGIBLE TO ASSUME POWER), OR DURING THE MINORITY AND NOT, AS AT PRESENT, DURING THE ABSENCE OF THE KING FROM NATIONAL TERRITORY.

E. THE NAMING OF THE ROYAL CONSORT AS REGENT (SO LONG AS HE OR SHE DOES NOT REMARRY) OR, FAILING A CONSORT, THE CLOSEST RELATIVE IN LINE OF SUCCESSION OVER 18 YEARS OF AGE OR, FAILING SUCH A RELATIVE, THE NAMING OF A REGENT BY THE CORTES.

3. THE DRAFT LAW ALSO ABROGATES THE SALIC DISABLEMENT AND PROVIDES FOR THE SUCCESSION OF A WOMAN TO THE THRONE THOUGH MALE PRIMOGENITURE RETAINS PRIORITY.

4. THE DRAFT LAW ON SUCCESSION IS A RATHER NONCONTROVERSIAL MEASURE OF A COMMON SENSE SORT, WHICH BECAUSE OF ITS CONSTITUTIONAL NATURE HAS TO BE MADE BY REFERENDUM. THE ESTABLISHMENT, HOWEVER, OF DON JUAN ((THE KING'S FATHER WHO WAS DISINHERITED, AS IT WERE, BY FRANCO) IN THE LINE OF THE REGENCY LEGALLY REHABILITATES HIM AND PROVIDES A GRACEFUL WAY FOR HIM TO FINALLY ABDICATE HIS TENUOUS CLAIM TO THE SPANISH THRONE.

5. THE DRAFT LAW OBVIOUSLY SEEKS TO REMOVE THE MONARCH FROM ITS PRESENT POSITION AS SUCCESSOR TO FRANCO AND INSTEAD PLACE IT BACK WITHIN THE LONG HISTORICAL LINE OF THE SPANISH MONARCHY

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ITSELF. THUS, IN POLITICAL TERMS, THE REFERENDUM ON THE SUCCESSION, WITHOUT BEING A DIRECT TEST OF THE MONARCHY, IS DESIGNED TO CONFER NEW POPULAR AND DYNASTIC LEGITIMACY UPON THE MONARCHY. STABLER

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